

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

John Paul Barclay,
Lucille Elaine Barclay,

DEBTORS.

CHAPTER 13
CASE NO. 14-54915-PJS
JUDGE PHILLIP J. SHEFFERLY

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THE
DEBTORS' FIRST MODIFIED, PRE-CONFIRMATION CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to confirmation of the debtors' First Modified, Pre-Confirmation Chapter 13 Plan, and in support thereof states as follows:

1. The debtors' Plan fails to provide that all of the debtors' projected disposable income be utilized to fund the Plan. Specifically, the debtors' Schedule J has overstated the following expense(s) as required by 11 U.S.C. Section 1325(a)(3) and/or 11 U.S.C. Section 1325(b):

- a. Rent or Home Ownership Expenses for debtors' residence - \$700.00. Based upon the debtor's testimony at the First Meeting of Creditors, the debtors' currently do not have this expense and do not expect to move from debtors' residence until February 2015.

2. Based upon the debtor's testimony at the First Meeting of Creditors, the debtors' have failed to maintain full coverage insurance on the debtors' vehicle and the debtors' residence. Accordingly, as the debtors are placing estate property at risk, the debtors' Plan is in non-compliance with 11 U.S.C. Section 1325.

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court deny confirmation of the debtors' Chapter 13 Plan.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: December 8, 2014 By: /s/ Thomas D. DeCarlo
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO
CONFIRMATION OF THE DEBTORS' FIRST MODIFIED,
PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on December 8, 2014, I electronically filed the Trustee's Objection to Confirmation of the debtors' First Modified, Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

GUDEMAN & ASSOCIATES PC
1026 WEST ELEVEN MILE ROAD
ROYAL OAK, MI 48067-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

John Paul Barclay
Lucille Elaine Barclay
12242 Longview St.
Detroit, MI 48213-0000

/s/ Vanessa Wild
Vanessa Wild
For the Office of the Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755